



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,094	07/29/2003	Brian P. Giffin	14558.01	6379

7590 09/01/2004

David N. Fronek
DORSEY & WHITNEY LLP
Intellectual Property Department
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402-1498

EXAMINER

VALENZA, JOSEPH E

ART UNIT	PAPER NUMBER
----------	--------------

3651

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/629,094	Applicant(s) GIFFIN, BRIAN P.	
	Examiner Joseph Valenza	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frank.

The first conveyor is conveyor 273 and the second conveyor is element 25. Whether there is a gluer and / or folder downstream is immaterial to the operation of the claimed system. The article being conveyed in Frank is considered to be the functional equivalent to the claimed blank. With regard to claim 7, the design of the detector is immaterial to the operation of the system, therefore, the detector 38 of Frank is functionally equivalent.

2. Claims 8 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frank in view of Long.

It would have been obvious to modify the second conveyor 25 of Frank to have a nip like downstream conveyor 18A of Long for handling blanks.

3. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frank in view of Cai et al.

It would have been obvious to add the teaching in Cai et al of calculating the period of speed change based on the length of the blank as claimed or current velocity adjusted for lag due to known acceleration/deceleration curves. For a short conveyor, the article length can be important. For a reasonable length (selected for the maximum length article) conveyor, the lag in acceleration/deceleration curves of the variable speed drive is the main concern.

4. Claims 9-20 are rejected under 35 U.S.C. 112 for being indefinite.

Art Unit: 3651

The preambles of the claims refer to a folder or folding and a gluer or gluing. However, the bodies of the claims fail to require these features. The preambles must be amended to remove these features so that the preambles will agree with the bodies of the claims. Should applicant add these features to the bodies of the claims, the amended claims will be directed to a new combination and withdrawn from consideration.

5. Fisk is pertinent.

6. Any inquiry concerning this communication should be directed to Joseph E. Valenza at telephone number (703) 308-2577. Amendments may be faxed to (703) 872-9306. My normal work week is Monday through Thursday.

A handwritten signature in black ink that reads "Joseph Valenza". The signature is written in a cursive, flowing style with a large, prominent "J" and "V".

JOSEPH E. VALENZA
PRIMARY EXAMINER